

Decision 02-11-012 November 7, 2002

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the Alameda Corridor - East Construction Authority (ACE) for an order authorizing elimination of an existing at-grade crossing through construction of a grade separated crossing (roadway underpass) at Nogales Street, under Union Pacific Railroad Company's adjacent Alhambra Subdivision main lines, in the City of Industry, County of Los Angeles.

Application 02-01-038  
(Filed January 31, 2002)

**O P I N I O N**

**Summary**

The Alameda Corridor - East Construction Authority (ACE) requests authority to eliminate the existing at-grade crossing at Nogales Street in the City of Industry, Los Angeles County, over the tracks of Union Pacific Railroad Company's (UP) Alhambra Subdivision (Mainline B), and to construct a grade-separated underpass at its current location.

ACE also requests authority to construct temporary shoofly tracks northerly of the mainline tracks during construction so that existing rail traffic is not affected, and a temporary at-grade crossing at the detour road to be constructed to divert vehicular traffic away from the construction area.

**Discussion**

The exact legal name of the Applicant is Alameda Corridor - East Construction Authority of the San Gabriel Valley Council of Governments. The

Nogales Street underpass project is one of many ACE projects that will reduce or eliminate train traffic - motor vehicle traffic conflicts in the San Gabriel Valley area of Los Angeles County.

ACE projects are related to the original Alameda Corridor project. The Alameda Corridor connects the Ports of Long Beach and Los Angeles to the transcontinental rail network, and consists of grade separations, a railroad "trench" and a railroad - railroad "flyover," allowing safer, faster and more efficient rail shipment of internationally traded goods from the Ports to the transcontinental rail yards east of downtown Los Angeles. From those yards, most of these goods are then shipped east over UP's Mainline B and Los Angeles Subdivision (Mainline 3) tracks. The San Gabriel Valley portions of these two UP main lines comprise ACE's project area.

Without the improvements to be constructed by ACE, it is estimated that motor vehicle delays will increase by 300 percent or an average vehicle wait at each crossing of 10-24 minutes. ACE has projects at 55 grade crossings within the San Gabriel Valley. The ACE program will ultimately construct 21 grade separations, including the Nogales Street underpass. Grade separations like the Nogales Street underpass completely eliminate the hazard of train-vehicle collisions and motor traffic delays due to train movements.

The railroad tracks will cross Nogales Street on a bridge, and Nogales Street will be depressed below the railroad tracks and Valley Boulevard, which parallels the railroad on the north.

A temporary detour road and shoofly tracks will be constructed during the construction of the Nogales Street underpass to divert train and vehicular traffic away from the construction site. This will require the construction of a temporary at-grade crossing on the detour road located approximately 100 feet to

the east of Nogales Street. The warning devices at the temporary detour at-grade crossing will consist of two Standard No. 9s (flashing light signals with automatic gates) and two Standard No. 9-As (a Standard No. 9 with additional flashing lights on cantilevered mast arm), as described in Commission General Order (GO) 75-C. The project will be built in stages as detailed below.

First, the detour road, shoofly tracks (except within Nogales Street), and the crossing of shoofly tracks and mainline tracks with the detour road will be constructed. Automatic railroad warning devices for the detour road crossing will be installed.

The detour road will be completed, and vehicular traffic will be diverted from Nogales Street to the detour road. The construction of the shoofly tracks through Nogales Street will be completed. Rail traffic will be diverted from mainline tracks to the shoofly tracks.

The mainline tracks will be removed from Nogales Street, and the bridge structure for railroad tracks will be built. The mainline tracks will be connected to the new tracks on the bridge, and rail traffic will be diverted back to mainline tracks from shoofly tracks. The roadway underpass south of the railroad will be excavated. The shoofly tracks will be removed.

The roadway north of Valley Blvd will be excavated, and the underpass roads built under the bridges will be connected. The detour road and temporary grade crossing will be removed.

ACE is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, as stated in Public Resources (PR) Code Section 21000 et seq. Under Section 21080.13 of the PR Code, any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation is categorically exempt from the filing

requirements of CEQA. Nevertheless, ACE has issued a Negative Declaration (shown in Appendix B) pursuant to CEQA, as stated in Division 13 (Environmental Protection) of the Public Resources Code. Furthermore, on May 15, 2001 the Federal Highway Administration (FHWA) has issued a “Finding of No Significant Impact” (FONSI) for this project (shown in Appendix C).

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental consequences of a project within its area of expertise that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency’s Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050 (b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed ACE’s Negative Declaration. No potential significant environmental impacts were identified related to areas within the Commission’s permitting authority: safety, security, transportation and noise. We find that ACE’s environmental documentation is adequate for our decision-making purposes and that ACE reasonably concluded the project will not result in significant effects on the environment. Accordingly, we will adopt ACE’s findings for purposes of our approval.

The Commission’s Consumer Protection and Safety Division – Rail Crossings Engineering Section staff (Staff), inspected the site of the proposed Nogales Street underpass grade separation. After reviewing the need for and the safety of the proposed Nogales Street underpass and the temporary at-grade crossing at the detour road, staff recommends that ACE’s request be granted.

The application is in compliance with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure, which relates to the construction of public highway crossings and separations under a railroad. A site map and detailed drawings of the proposed Nogales Street underpass grade-separated structure are shown in the application and in Appendix A attached to this order.

In Resolution ALJ 176-3081, dated February 7, 2002 and published in the Commission Daily Calendar on February 8, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed and no hearings were held, this preliminary determination remains accurate. Staff recommends that this application be granted. Given these developments a public hearing is not necessary, and it is not necessary to revise the preliminary determinations made in Resolution ALJ 176-3081.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Notice of the application was published in the Commission Daily Calendar on February 4, 2002. There are no unresolved matters or protests; a public hearing is not necessary.
2. ACE requests authority to eliminate the existing at-grade crossing at Nogales Street over the tracks of UP's Alhambra Subdivision (Mainline B), and to

construct a grade-separated underpass at its current location, in the City of Industry, Los Angeles County.

3. Construction of the proposed project is an essential element in the construction of the Alameda Corridor - East Project. The project is required in order to connect the Ports of Long Beach and Los Angeles to the transcontinental rail network, allowing safer, faster and more efficient rail shipment of internationally traded goods from the Ports to the transcontinental rail yards east of downtown Los Angeles. The benefits of the project include the complete elimination of the hazard of train-vehicle collisions and motor traffic delays due to train movements.

4. Public convenience, safety and necessity require the construction of the grade-separated crossing.

5. Public convenience and railroad operations require that construction of the project be undertaken in stages, which will include the construction of temporary shoofly tracks northerly of the mainline tracks so that existing rail traffic is not affected, and a temporary at-grade crossing at a detour to be constructed approximately 100 feet east of Nogales Street to divert vehicular traffic away from the construction area.

6. Public safety requires that the warning devices at the temporary detour at-grade crossing shall be two Standard No. 9s (flashing light signals with automatic gates) and two Standard No. 9-As (a Standard No. 9 with additional flashing lights on cantilevered mast arm), as described in GO 75-C.

7. ACE is the lead agency for this project under CEQA, as amended.

8. ACE has issued a Negative Declaration for the project, and the FHWA has issued a FONSI. Furthermore, the project is statutorily exempt from CEQA review under Section 21080.13 of the PR Code, which exempts from CEQA "Any

railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation.”

9. The Commission is a responsible agency for this project, and has reviewed ACE's Negative Declaration and FHWA's FONSI.

10. We find that ACE's environmental documents are adequate for our decision-making purposes and that ACE reasonably concluded the project will not result in significant effects on the environment.

### **Conclusions of Law**

1. There are no unresolved matters or protests; a public hearing is not necessary.

2. The application should be granted as set forth in the following order.

## **O R D E R**

### **IT IS ORDERED** that:

1. Alameda Corridor - East Construction Authority (ACE) is authorized to eliminate the existing at-grade crossing at Nogales Street over the tracks of Union Pacific Railroad Company's (UP) Alhambra Subdivision (Mainline B), and to construct a grade-separated underpass at its existing location, in the City of Industry, Los Angeles County, at the location and substantially as shown by plans attached to the Application and Appendix A of this order, identified as Crossings B-504.85-B.

2. During the period of construction, ACE is authorized to construct temporary shoofly tracks northerly of the mainline tracks, and a temporary at-grade crossing at the detour to be constructed approximately 100 feet to the east of Nogales Street. The temporary detour at-grade crossing shall be identified as B-504.87. Upon completion of underpass grade separation and its opening to

vehicular traffic, the existing at-grade crossing of Nogales Street (Crossing B-504.80) and the proposed temporary at-grade crossing at the detour road (Crossing B-504.87), shall be closed and physically removed.

3. Clearances shall be in accordance with General Order (GO) 26-D.

Walkways shall conform to GO 118.

4. Due to the fact that the proposed Nogales Street crossing will be grade-separated, warning devices are not needed.

5. Warning devices at the temporary detour at-grade crossing shall be two Standard No. 9s (flashing light signals with automatic gates) and two Standard No. 9-As (a Standard No. 9 with additional flashing lights on cantilevered mast arm), as described in GO 75-C.

6. Construction and maintenance costs shall be borne in accordance with an agreement, which has been entered into between ACE, UP, and the City of Industry. A copy of the agreement shall be filed with the Commission prior to starting construction.

7. Within 30 days after completion of the work under this order, ACE shall notify the Commission's Rail Crossings Engineering Section in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work was completed.

8. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

9. The application is granted as set forth above.

10. Application 02-01-038 is closed.

This order becomes effective 30 days from today.

Dated November 7, 2002, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

CARL W. WOOD

GEOFFREY F. BROWN

MICHAEL R. PEEVEY

Commissioners

## APPENDIX A

### VICINITY MAP

ALAMEDA CORRIDOR - EAST  
CONSTRUCTION AUTHORITY  
CONSTRUCTION PLANS  
FOR  
NOGALES STREET GRADE SEPARATION  
PROJECT 00-01A



VICINITY MAP  
NOT TO SCALE

[illegible]

## APPENDIX B NEGATIVE DECLARATION

ACE Alameda Corridor East Construction Authority

### ALAMEDA CORRIDOR EAST CONSTRUCTION AUTHORITY

#### NEGATIVE DECLARATION (CEQA)

Pursuant to: Division 13, Public Resources Code

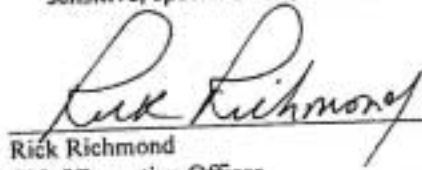
##### Description

The Nogales Street Grade Separation, SP Line would provide a grade separation in the City of Industry at the Nogales Street crossing of the former Southern Pacific (SP) railroad tracks, which are currently owned by the Union Pacific Railroad (UPRR). The grade separation would involve placement of portions Nogales Street in an undercrossing beneath the SP tracks and Valley Boulevard. The project is proposed to reduce train noise and vehicular traffic congestion and to improve safety at the Nogales Street grade crossing. Construction of the proposed project is anticipated to occur over 18 month to two years.

##### Determination

An Initial Study has been prepared by the Alameda Corridor East Construction Authority. On the basis of this study, it is determined that the proposed action will not have a significant effect on the environment for the following reasons:

1. With the elimination of the existing at-grade rail crossing, the project will improve area noise and vehicular safety and reduce vehicular air emissions.
2. No properties in the immediate area appear to be eligible for listing on the National Register of Historical Places or the California Register of Historical Resources.
3. The project will incorporate current seismic design standards to withstand seismic ground shaking that would result from a maximum credible earthquake.
4. The project will reduce the risk of upset or accidents by providing a grade separation between public roadways and an operating rail line.
5. A Phase II Site assessment will characterize hazardous waste potential and the following plans will be prepared and implemented prior to construction: health and safety plan, waste management plan, sampling and analysis plan, and a work plan for remediation of any hazardous waste encountered.
6. The project will displace fifteen commercial businesses and a church. Adequate relocation resources exist to relocate the church and commercial units. Relocation assistance and compensation will be provided in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Act.
7. A detour route will be developed for vehicles to bypass the construction site.
8. The project vicinity is developed and does not include habitat for any species identified as a sensitive, special status, or candidate species.

  
Rick Richmond  
Chief Executive Officer  
Alameda Corridor East Construction Authority

4/18/01  
Date

APPENDIX C  
FINDING OF NO SIGNIFICANT IMPACT

1 11:37A FROM: CALTRANS DT ENR PLAN 2138979572

TD: 916269623552

P13/3

FILE

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02979

**FEDERAL HIGHWAY ADMINISTRATION  
FINDING OF NO SIGNIFICANT IMPACT  
FOR  
IMPROVEMENTS ON ALAMEDA CORRIDOR EAST AT NOGALES STREET**

The proposed project is located in the City of Industry at Nogales Street, crossing the former Southern Pacific railroad tracks, which are currently owned by the Union Pacific Railroad. The proposed project encompasses a grade separation.

The FHWA has determined that this project will not have any significant impact on the human environment. This finding of no significant impact is based on the enclosed Environmental Assessment, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the enclosed Environmental Assessment.

  
César E. Pérez  
Senior Transportation Engineer

5/15/01  
date